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HOUSE BILL 2953 By
Williams (Wil)

SENATE BILL 3054
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 14, relative to animal offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-201(4), is amended by deleting the word "Torture" and by substituting instead the word "Abuse".

SECTION 2. Tennessee Code Annotated, Section 39-14-201, is further amended by adding the following as a new subdivision:

(5) "Torture" means any violent or other intentional act or knowing omission whereby severe and extreme physical pain, suffering, or death is caused or permitted, for which there is no lawful or legitimate purpose or justification.

SECTION 3. Tennessee Code Annotated, Section 39-14-202, is amended by deleting the word "Tortures" in (a)(1), and by substituting instead the word "Abuses."

SECTION 4. Tennessee Code Annotated, Title 39, Chapter 14, Part 2, is amended by adding a new section, as follows:

39-14-2____. (a) A person commits an offense who intentionally or knowingly:

(1) Tortures, mutilates, or maliciously injures an animal, as defined in § 39-14-201(5).

(2) Upon conviction of the offense of animal torture, in addition to any sentence imposed, a court may require the defendant to undergo psychological evaluation and counseling, the cost to be borne by the defendant. In the case where the defendant is indigent, the court shall, where practicable, direct the defendant to locate and enroll in a counseling or treatment program with an appropriate agency.

(3) Upon conviction of the offense of animal torture, where the defendant resides in a household with minor children or elderly individuals, the court shall, within five (5) days, send notification of the conviction to the appropriate protective agencies.

(b) A violation of this section is a Class E felony.

SECTION 5. Tennessee Code Annotated, Section 39-14-202, is amended by adding the following new subsections thereto:

(f) Nothing in this section shall be construed as prohibiting the owner of birds used for commercial purposes, or someone acting on behalf of such owner, from engaging in customary practices to ensure that the commercial properties of such birds are maintained.

(g)(1) It is the legislative intent that nothing in this section shall change, modify or amend, in any way, any Title 70 fish and wildlife provision or any rule and regulation or proclamation promulgated pursuant thereto, nor shall this section apply to or interfere with any conduct or activity permitted or regulated pursuant thereto such as hunting, fishing, possessing, taking, killing, eating, or capturing fish and wildlife, except that this section shall apply to persons in possession of captive wildlife pursuant to Title 70, Chapter 4, Part 4 in situations

where there are no conflicts with the live wildlife provisions, or with any rules or regulations or proclamations promulgated pursuant thereto.

(2) Should any court of competent jurisdiction determine any provisions of this section to be a change, modification or amendment to Title 70, or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or to any rule and regulation or proclamation promulgated pursuant thereto, or should the court determine there to be an interference with any activity or conduct as described in subsection (a), such provision shall be unenforceable as applied thereto.

(h) In no way shall the provisions of this section apply to normal and customary agricultural practices, such as breeding programs, research facilities or the production, marketing and disposal of farm animals, livestock or exotic animals, including, but not limited to, poultry, fish, shellfish, or any other agricultural commodity produced in the state.

(i) The provisions of this section shall not apply to activities or conduct that is prohibited by §§ 39-14-203 and 39-14-204.

SECTION 6. This act shall take effect July 1, 2000, the public welfare requiring it.